



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/033,832	03/03/1998	WALTER W. MOSHER JR.	PREDYN-42891	2572
7590	06/22/2005			
Scott W. Kelley 6320 Canoga Avenue, Suite 1650 Woodland Hills, CA 91367			EXAMINER GREEN, BRIAN	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/033,832

Applicant(s)

MOSHER ET AL.

Examiner

Brian K. Green

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30,32,35-38,41,43 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35-37,41,43 and 44 is/are allowed.
- 6) ☒ Claim(s) 30,32,38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 27, 2005 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30,32, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokunaga (U.S. Patent No. 5,168,281) in view of Hemingway (U.S. Patent No. 5,119,072).

Tokunaga shows in figures 1-4 a device comprising an elongated and disposable flexible strap (2,4) having a fastening opening in one of the ends (see figure 3, the screws 14 extends through holes in the portion 4 of the band) , securement means (1,14) incorporating a fastening element (14) engageable with the fastening opening, a receiver (11) within the securement means, an antenna (3) carried on the strap, and coupling means (5,12) for operatively and removably connecting the antenna with the receiver when the securement means is connected to the strap, and for disconnecting the antenna from the receiver when the securement means is disconnected from the strap. The securement means with the receiver carried thereby having the

Art Unit: 3611

fastening element removable from the fastening opening prior to disposal of the strap, and being adapted for subsequent assembly and re-use with a replacement strap. In regard to claims 30 and 38, the fastening element comprises a boss (14) located internally of the securement means and the securement means defining an opening (1a, the hollow portion which receives elements 7,11, and the opening at the other end similar to 1a) which is capable of receiving the strap second end. Tokunaga does not disclose making the receiver in the form of a radio frequency identification circuit. Tokunaga discloses in column 3, lines 39-41 the idea of making the receiver circuit in the form of a transmitting circuit. Hemingway shows in figures 3-5 the idea of placing a radio frequency circuit (see figure 5) within a wrist carried device. In view of the teachings of Hemingway it would have been obvious to one in the art to modify Tokunaga by replacing the circuit with a radio frequency circuit since this would allow information to be conveyed from the device to a distant receiver for security purposes, see Hemingway, column 1, lines 32-56. In regard to claim 32, Tokunaga shows in figure 1 that the receiver circuit (11) is located within the securement means (1). The screw (14) is considered to be the boss and the portion (4) of the strap extends within an opening (see figure 1, the opening between the right most cover 8 and right most projection of the upper portion of 1 into which portion 4 extends) of the securement means for slide-fit passage of the strap end (4).

Response to Arguments

Applicant's arguments filed May 27, 2005 have been fully considered but some of the these arguments are not persuasive.

In regard to the applicant's argument that that Tokunaga fails to show an opening extending therethrough for slide-through passage of the strap second end as now defined in

Art Unit: 3611

claims 30 and 38. Tokunaga shows in figures 1-3 a securement means defining an opening (1a, the hollow portion which receives elements 7,11, and the opening at the other end similar to 1a) that extends through the securement means and is considered to be capable of receiving a portion of the second end of the strap, as broadly defined by the applicant.


Allowable Subject Matter

Claims 35,36,37,41,43, and 44 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
June 20, 2005